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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,432	07/06/2001	Shigenori Taga	44471-260840 (13700)	4976

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EXAMINER

HO, THOMAS Y

ART UNIT PAPER NUMBER

3677

DATE MAILED: 10/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/900,432

Applicant(s)

TAGA, SHIGENORI

Examiner

Thomas Y Ho

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7 is/are rejected.
- 7) ☒ Claim(s) 5-6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

Claim 5 is objected to because of the following informalities: claim 5 depends from claim 2, and claim 2 depends from claim 1. Claim 5 states “the third cam”, but the third cam is not introduced in any of the claims from which claim 5 depends. The third cam is first mentioned in claim 3. Appropriate correction is required for proper antecedent basis.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Rogakos USPN4763936.

As to claim 1, Rogakos discloses a drive apparatus of a trunk lid lock for a motor vehicle, comprising: a striker 12 formed on the striker base 14 provided in a peripheral edge portion of a trunk opening; a latch 62/76 provided in a trunk lid; a drive mechanism having a lock canceling member 96 and an output member 52, the lock canceling member 96 including a first cam 104 (left portion of 104; see Figure 3) and a second cam (beginning portion of notch in 104; see Figure 4); and a support base 16 fixed to an inner panel of the peripheral edge portion of the trunk opening, the lock canceling member 96 being supported by a shaft 90 on the support base 16, the drive mechanism being operative when the latch 62/76 is engaged with the striker 12 so as to bring in a second member including the latch 62/76 via a first member including the striker

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12 moving to a bring-in position from a waiting position, thereby closing the trunk lid; the lock canceling member 96 being operative to move to a restricting position (see Figure 3) at which the latch 62 is under a restricting state that the latch 62/76 can not be taken out from the striker 12, and to a restriction canceling position (see Figure 4) at which the latch 62/76 is under a restriction canceling state that the latch 62/76 can be taken out from the striker 12; the output member 52 being relatively brought into slidable contact with the first cam (left portion of 104; see Figure 3) at a time that the first member (on which the striker 12 is mounted) is returned to the waiting position (see Figure 4) from the bring-in position (see Figure 3), whereby the lock canceling member 96 is moved from the restriction position (see Figure 3) to the restriction canceling position (see Figure 4); and during a period that the first member (on which the striker 12 is mounted) is returned to the waiting position (see Figure 4) from the bring-in position (see Figure 3), the output member 52 being relatively brought into slidable contact with the second cam (beginning portion of notch in 104; see Figure 4), whereby the lock canceling member 96 is restricted at the restriction canceling position (col.7, ln.30-40).

As to claim 2, Rogakos discloses the drive mechanism further comprises: an output member 52, the output member 52 being operative to drive the lock canceling member 96 from the restricting position (see Figure 3) to the restriction canceling position (see Figure 4) at a time that the first member (part on which striker 12 is mounted) is returned to the waiting position (see Figure 4) from the bring-in position (see Figure 3), and during a period that the first member (part on which striker 12 is mounted) is returned to the waiting position (see Figure 4) from the bring-in position (see Figure 3), the lock canceling member 96 is restricted at the restriction canceling position (col.7, ln.30-40), and after returning the first member (part on which the

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striker 12 is mounted) to the waiting position, the lock canceling member 96 can be moved from the restriction canceling position (see Figure 4) to the restricting position (see Figure 5).

As to claim 3, Rogakos discloses the lock canceling member 96 comprises a third cam (portion engaged by 58/60 between state shown in Figure 4 and state shown in Figure 5; the third cam is the right portion of the notch in surface 104); wherein after returning the first member (part on which the striker 12 is mounted) to the waiting position (see Figure 4), the output member 52 is relatively brought into slidable contact with the third cam (path of 58/60 between the states shown in Figures 4 and 5), whereby the lock canceling member 96 can be moved from the restriction canceling position (see Figure 4) to the restricting position (see Figure 5).

As to claim 4, Rogakos discloses the second member (part on which base 16 and latch is mounted) is provided with a locking plate 76 which can move to a restriction canceling position (see Figure 4) for placing the latch 62/76 in a restriction canceling state.

As to claim 7, Rogakos discloses the lock canceling member 96 is urged from the restriction canceling position (see Figure 4) to the restricting position (see Figures 3 or 5) by a coil spring 85.

### ***Response to Arguments***

Applicant's arguments, see Amendment C, filed 8/13/03, with respect to the rejection(s) of claim(s) 1-7 under Shimada USPN5443292 have been fully considered and are persuasive. Applicant amends claim 1 to further recite the lock canceling member is supported by a shaft on the support base, which is not shown in Shimada. Also, by definition (Merriam Webster Dictionary), a cam is a rotating disk shaped to convert circular into linear motion, and so two cams must define two different extents of motion, which is not shown by the single

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surface 63 of Shimada. Therefore, the rejection under 35 U.S.C. 102(b) has been withdrawn.

However, upon further consideration, a new ground(s) of rejection is made in view of Rogakos USPN4763936.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Y Ho whose telephone number is (703)305-4556. The examiner can normally be reached on M-F 10:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J Swann can be reached on (703)306-4115. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)306-1113.

TYH



**ROBERT J. SANDY**  
**PRIMARY EXAMINER**